

REMARKS

Applicant would like to sincerely thank the Examiner for the after final interviews granted on October 30, 2007 and November 14, 2007. A summary of the interview is contained in this response.

This responds to the Office Action mailed on May 31, 2007.

Claims 16, 49, 58 are amended, claims 1-14, 17-48, 51-52 are canceled, and as a result, claims 16, 49-50, 53-58 are now pending in this application.

Allowable Subject Matter

Regarding item 1 of the May 31, 2007 Office Action, claims 16 and 58 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16 and 58 have been amended as suggested. Claims 16 and 58 as currently presented are believed allowable.

Summary of the Examiner Interview

Applicant would like to thank Examiner Vargot for allowing the after final telephonic interview granted on October 30, 2007 and November 14, 2007. Attending the interview via telephone were Dr. Brian Hoover and Janeen Vilven.

Agreement was reached as to allowance of claims 16, 49, and 58. Claims 16 and 58 were indicated to be allowable in the May 31, 2007 Office Action if rewritten in independent form incorporating all of the elements of the claims from which they were depending. Claims 16 and 58 have been rewritten as suggested.

Claim 49 was amended based upon the claim language the Examiner agreed to allow during the interview on November 14, 2007.

It was concluded that claim 49 was allowable as the combination of references were from different fields. Particularly, Japanese references 3-057,629 and 58-153326 were outside of the art field of corneal implants. The Examiner indicated that Steele was cited against claim 49 in response to Applicant's March 16, 2007 amendment to the preamble of claim 49. The Examiner believed the amendment to the preamble of claim 49 changed the scope of the claim. Further, the Examiner agreed that removing element d) from claim 49 would not change the combination of references cited against claim 49 as pending and therefore claim 49 would remain allowable if element d) were removed. The Examiner agreed to allow amended claim 49 as follows:

49. A method of forming an optical device for surgical insertion into the cornea of an eye as a corneal implant, said method including the steps of:

- a. providing a polymer film having first and second surfaces;
- b. forming tracks in said polymer film by exposing said polymer film to a first source of radiation;
- c. etching said tracks to form at least some pores in said polymer film which connect said first and second surfaces;
- ~~d. widening by etching at least some of said pores to dimensions large enough to permit the ingrowth of corneal tissue;~~
- e. providing a first and a second mask;
- f. reducing the transmission of at least a first portion of said polymer film to at least certain wavelengths of visible light by exposing said first portion to a second source of radiation through said first mask; and
- g. forming surface relief in said polymer film by exposing a second portion of said polymer film to a third source of radiation through said second mask to produce the corneal implant.

Therefore the Examiner found claim 49 as amended allowable over the combination of references cited in the May 31, 2007 Office Action.

CONCLUSION

Applicant would again like to thank the Examiner for his time and the after final interview the Examiner granted to Applicant. Applicant respectfully submits that the claims are in condition

for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213.

Respectfully submitted,



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